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ABSTRACT

The No Child Left Behind Act of 2001 reauthorized and significantly expanded the Elementary and Secondary Education Act. The Act and its accompanying fund increases offer numerous opportunities to improve teaching and achievement of young adolescents, targeting federal money more than ever to high poverty schools and districts and including tougher accountability requirements. This paper highlights major opportunities to improve achievement of middle grades students, including the opportunity to spend much more money wisely, mainly in high poverty schools; direct programs that improve the learning of English language learners; improve the quality of teaching and professional development in high poverty and struggling middle schools; and employ high quality teachers and paraprofessionals. It also provides opportunities for parents to receive specific information about the quality of their children's teachers, for parents of students in low performing schools to choose alternative learning options, for schools to be recognized for success, and for the establishment of charter schools. The Act relies heavily on stronger accountability requirements to stimulate greater efforts by educators to improve the achievement of historically ill-served students. Two appendices present key definitions from the No Child Left Behind Act and allowable responsibilities of paraprofessionals under the Act. (SM)

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OPPORTUNITIES AND ACCOUNTABILITY TO LEAVE NO CHILD BEHIND IN THE MIDDLE GRADES

AN EXAMINATION OF THE *NO CHILD LEFT BEHIND ACT OF 2001*

Cynthia G. Brown

March 2002

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The CCSSO Resource Center on Educational Equity was responsible for managing and staffing a variety of Council leadership initiatives to ensure equitable, challenging, developmentally appropriate, and high-quality education for all children and youth, especially those placed at risk of school failure. The Center staff did research and policy formulation, provided operational capacity building assistance, developed reports and other materials, operated grants and action programs, provided technical assistance to state and local education agencies, held working conferences, and monitored federal and state civil rights and education programs focused on disadvantaged students. In 1992-1993, the Center housed and managed the independent Commission on Chapter 1.

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OPPORTUNITIES AND ACCOUNTABILTIY TO LEAVE NO CHILD BEHIND IN THE MIDDLE GRADES

An Examination of the *No Child Left Behind Act of 2001*

On January 8, 2002 President George W. Bush signed the *No Child Left Behind Act of 2001* (NCLB Act). This historic piece of education legislation reauthorized and significantly expanded the Elementary and Secondary Education Act, first enacted in 1965. Its most important title, Title I, has focused federal government attention and money on students in high poverty schools for over 35 years. Congress made significant changes to the law in 1994, and the most recent changes build upon them dramatically. It also provided significant funding increases. The new Act is the result of bipartisan leadership among five political leaders—President Bush, Senators Kennedy and Gregg and Representatives Boehner and Miller–and a large majority of the U.S. Congress who were clearly fed up with inadequate learning among the groups of students that federal programs are most supposed to help.

Implications and Predictions

The *No Child Left Behind* Act and the accompanying fund increases offer numerous opportunities--if taken by educators, advocates, parents, communities, and students--to improve teaching and achievement of young adolescents. It targets federal money more than ever to high poverty schools and districts. It is also includes tougher requirements because most educators did not take seriously enough the provisions of the 1994 reauthorization of the Elementary and Secondary Education Act.

Will the law be implemented as intended? There are signs that many of its requirements make sense because states and districts have already begun conforming to them. The bully pulpits of the President and Secretary of Education have repeatedly sent an unwavering message of seriousness of purpose.

This author is optimistic. She believes that most educators believe in the Act's goals of academic proficiency for all learners and will try to "obey the law." Below are her best guesses and analyses about how developments will unfold.

1. The Clinton Administration brought federal policy coherence around the standards-based education framework. The Bush Administration seems to be building on this with more focused policy and program implementation, technical assistance, and research strategies directed to children historically left behind. The Title I office in the U.S. Department of Education is revamping its monitoring and compliance activities. This spring it is initiating achievement-focused audits of states starting with those with the lowest student scores on the National Assessment of Educational Progress (NAEP) and biggest achievement gaps.

2. Some states will comply readily with the new requirements. Others will quietly wait and see if the federal government is serious about enforcement. Still others will challenge the government every step of the way and use political pressure to attempt to stop its enforcement activities. A very few may refuse to apply for funds, but they may be vulnerable to civil rights litigation if they do.

3. Much better data on student achievement and teacher qualifications and performance will be available soon from all states. It will provide powerful tools for advocates, parents, and the public who can demand change through publicity and the ballot box.

4. There is likely to be more attention to reading and language arts in the middle grades as well as the earlier grades. NAEP data shows more progress in math than reading. The eventual reporting of reading and math achievement scores for each middle grade is likely to depict more clearly the stagnation in middle grade reading and language arts performance, particularly for low income and minority youngsters. The typical African-American, Latino, or low-income 12th grader reads at the same level as the typical white and non-poor 8th grader.

5. Getting information out to schools about opportunities in the NCLB Act will be a major challenge. It is hard to break the pattern of "business as usual" at the district and school level. The accountability and testing messages will be heard first.

6. On the other hand, states will be strengthening, sharpening, and refining their accountability systems particularly with regard to use of achievement data. This is an opportunity to align school and district data and to push for good tools.

7. All states will now hold accountable all districts and schools for student achievement gains toward proficiency by subgroups. There is a good chance that this will result in new state attention to low performing districts and schools. There is evidence that this is happening in some states, usually through a combination of court rulings, state legislative action, and enlightened bureaucracy implementation. These states are learning from other states that have already made substantial progress with low-income and minority students by following frameworks very similar to the one laid out in the NCLB Act.

8. There will be less wiggle room and "fudging" about which schools are low performing. There are likely to be more schools identified as in need of improvement because of constraints on states in the law about the use of nonacademic indicators.

9. There should be more and better help, although getting good, honest lists of programs and strategies that are scientifically based will be difficult. Several major national initiatives are underway to do this.

10. Still, there needs to be more research and development of comprehensive middle grade improvement strategies and programs.

11. The unprecedented focus on identifying unqualified teachers and paraprofessionals and requirements to strengthen teacher quality and professional development may well stimulate development of new teacher compensation

systems based on skills and performance and increases in teacher pay. This is the time for teacher advocates to join forces with advocates for disadvantaged children and state elected officials.

12. It is also likely to lead to fundamental improvements in teacher preparation programs because if this does not happen Congress may next impose accountability requirements on universities receiving federal funds.

Finally, there is the issue of whether a goal of getting all students to be proficient learners in 12 years is utterly unrealistic. Many say it is. Perhaps it is. But if you do not know where you want to go, how can you ever get there? Surely it should be possible to at least get every low-income and minority student performing at the basic achievement levels by 2014--instead of the two-thirds performing below the basic level now--and a majority performing at the proficient level. This would be a remarkable accomplishment for this nation, if still far from a goal it should keep pursuing.

The *No Child Left Behind Act* provides the clearest map for school improvement there has ever been at virtually any level of government. Hopefully, the balance between incentives and pressure will move educators down its pathways. If the balance is not quite right, leaders can make mid-course corrections along the way.

A New Beginning

The year 2001 began with the arrival of a new federal Administration that made education its top domestic priority. In January, 2001 President Bush sent to Congress his *No Child Left Behind* proposal. He specifically noted that over two-thirds of low-income and minority fourth graders are unable to read at a basic level and that "the federal government is partly at fault for tolerating these abysmal results."[1] He decried that "[t]he academic achievement gap between rich and poor, Anglo and minority is not only wide,

[1] President George W. Bush, *No Child Left Behind* (Washington D.C.; U.S. Government Printing Office, 2001): 1.

but in some cases is growing wider still."[2] He called for bipartisan solutions to these challenges and proposed new programs, tougher accountability, and appropriations increases. Obviously, Congress responded in a bipartisan fashion.

The NCLB Act continues the historic federal role of promoting equity and quality in elementary and secondary education, but with more money and teeth. It continues the federal "take it or leave it" approach that says "if you want our money, you must meet our requirements." Of course this assumes that federal politicians and bureaucrats will monitor implementation closely and "enforce" their requirements. The track record here is spotty at best.

As with all democracies, conformity to legislative requirements rests with a fundamental public respect for and adherence to "the rule of law." Success of this relatively prescriptive law will depend on educators taking individual responsibility for following its "rule of law," and not only finding credible its goal of all students becoming proficient learners, but pursuing it with urgency. Such attitudes will need to override the now too prevalent view that disadvantaged students cannot achieve to the same levels as those who are more privileged.

Introduction for the Middle Grades—A New Federal Role

While a determined band of educators, advocates, and their philanthropic supporters have pushed hard over the past decade and a half to improve the achievement and development of young adolescents, federally funded programs have virtually ignored these students. Title I funds touched them infrequently, focusing primarily on elementary school grades. Vocational education funds were for high school students. Safe and Drug Free Schools, Gear Up, and fractions of other programs helped students in the middle grades a bit, but no federal money supported their core academic learning.

Three developments forced new federal government attention to young adolescents: ratcheting up of education requirements for good jobs, international comparisons of

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[2] *Ibid.*

student achievement, and almost universal adoption of the standards-based framework for education in all K-12 grades in the United States. In particular, the international comparisons showed that the longer United States students stayed in schools, the worse they did comparatively with students in other industrialized countries, i.e. United States 4th graders scored relatively higher than its 8th graders. The standards-based framework took hold in record time, pushed by Governors, Congress and the Clinton Administration and underwritten with significant federal funding support.

A fourth development also influenced President Bush and Congress in the design of the *No Child Left Behind Act*--concrete evidence that specific education system designs and approaches to classroom teaching and learning paid off in student achievement gains. The National Assessment of Educational Progress (NAEP) tells the big story. With its state-by-state student results disaggregated by poverty, language, racial/ethnic status, and three grade/age levels, it shows clearly that *some states with large proportions of low-income and minority students have made faster gains in student achievement than others.* For example:

- In 1998, 8th grade African-American students in Texas wrote as well or better than White students in seven states.[3]

- David Grissmer and his colleagues at the Rand Corporation have found striking differences in African-American student performance among many states. When they combined four state NAEP tests, all taken by 28 states (1992 fourth-grade reading and math and 1996 fourth- and eighth-grade math), they found some states in every region of the country that ranked in the top, middle, and bottom. When they did further analysis, they found that African-American family characteristics explained little of the distribution and that state per pupil expenditure variations had a positive, but insignificant affect.[4]

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[3] Kati Haycock, Craig Jerald, Sandra Huang, "Closing the Gap: Done in a Decade," Thinking K-16 (Washington, D.C., Education Trust, Spring 2001): 16. Available on the internet at www.edtrust.org

[4] Ann Flanagan and David Grissmer, "The Role of Federal Resources in Closing the Achievement Gap of Minority and Disadvantaged Students" (Arlington, VA, The Rand Corporation, 2001)

- Another important way to look at state variations on NAEP is to perform analyses that hold constant the variations from state-to-state in family characteristics, i.e. ignore differences by minority status, family income, parents' education, etc. The results are dramatic. While both Texas and California now have majority minority student enrollments, when this and other family characteristics are excluded as factors of test score results, Texas is the highest performing state and California the lowest![5] (If family characteristics are not held constant, raw NAEP scores generally show northern rural states with the highest scores and southern states plus California with the lowest. Out of 44 states, Texas ranks 27 and California ranks 42.[6])

With Texas leading the way, it should be no surprise that a new President from Texas would apply lessons learned in his state to the nation. That he quickly found allies among northern and western liberals is perhaps more startling. The *No Child Left Behind Act* outlines strategies successfully used in Texas and other lead states with achievement gains for low-income and minority students (e.g. Kentucky and North Carolina).

What follows is a discussion of the opportunities offered and accountability for results required by the *No Child Left Behind Act* (NCLB Act), particularly for middle level students in grades 6, 7, and 8. This time around young adolescents are finally a central focus of federal attention!

Most discussions of the NCLB Act begin with its new testing and accountability requirements for local and state educators. This paper does not. Instead it begins with discussion of opportunities the NCLB Act offers to extend and improve the quality of student and teacher learning time. It moves then to a discussion of state and national measures of whether these opportunities were taken and realized and how the Act holds

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[5] David Grissmer, Ann Flanagan, Jennifer Kawata, Stephanie Williamson, "Is Public Education Reformable: The Effects of Resources and Reform Across States (Arlington, VA, the Rand Corporation, 2001). For their analyses they examined all state NAEP scores on the 11 NAEP test between 1990 and 2000.

[6] *Ibid*

educators accountable for student learning results and the provision of high quality teachers and professional development.

While this paper describes important provisions of the NCLB Act, it does not provide a complete summary of the law. Readers are encouraged to examine other full summaries of the Act. Useful ones include summaries from the U.S. Department of Education at *www.ed.gov/offices/oese/esea/summary.html*; "An ESEA Primer" from Education Week at http://www.edweek.org/ew/newstory.cfm?slug=16eseabox.h21; a summary from the Education Commission of the States at *www.ecs.org/clearinghouse/32/01/320.pdf*; a discussion of major changes to ESEA by the NCLB Act from the Learning First Alliance at www.learningfirst.org/pdfs/nochildleft.pdf; a summary in question and answer format at *www.nasbe.org/Front_Page/Media_Advisory.html*; and the NCLB Act implementation timetable at *www.nab.com/PDF/bcee_implement_timeline.pdf*. The complete text of the legislation is at *www.ed.gov/legislation/ESEA02/*.

A Short, General Summary of the *No Child Left Behind Act* and Appropriations Increases

The NCLB Act contains 10 titles and authorizes numerous programs both old and new. Congress appropriated an 18% increase in funding for NCLB programs over last year for a total of $22.1 billion. (It also increased funding significantly for special education, up 17% to $8.7 billion.) *Most of the large NCLB Act programs target high poverty schools and are administered by state education agencies.* These include:

Title I--Improving the Education of the Disadvantaged: $12.384 billion, a 21% increase

Part A--Improving Basic Programs Operated by Local Education Agencies at $10.350 billion, up 18%

Part B--Student Reading Skills Improvement Grants, all targeted to elementary and preschool students, at $1.225 billion

Part F--Comprehensive School Reform Program at $310 million, a 19% increase

Title II--Preparing, Training, and Recruiting High Quality Teachers and Principals

Part A--Teacher and Principal Recruiting Fund, which consolidates the former Class-Size Reduction and Eisenhower professional development programs, at $2.85 billion, a 28% increase.

Title III--Language Instruction for Limited English Proficient and Immigrant Students

Part A--English Language Acquisition, Language Enhancement, and Academic Achievement Act, which consolidates former bilingual and immigrant education programs into a state and local formula grant program, at $665 million, a 45% increase

Title IV--21st Century Schools

Part A--Safe And Drug-Free Schools and Communities at $644 million

Part B--21st Century Community Learning Centers at $1 billion, an 18% increase

The NCLB Act builds on the standards-based framework for education that Congress enacted into Goals 2000 and the Elementary and Secondary Education Act in 1994. It endorses the belief that all students can learn to high levels if they are taught to high levels and *establishes a goal of proficiency for all students in core content areas within 12 years, by 2014*. It assumes that by now state and local educators and community members have reached consensus on "what students should know and be able to do"; developed a set of specific and challenging academic content and student performance standards, which in the NCLB Act are relabeled "student academic achievement

standards," and put in place a rigorous curriculum, aligned with the standards, for all students.

The standards framework continues with the premise that everyone participating in the education enterprise--students, teachers, schools and district administrators, and state officials--should be held accountable for reaching a measurable level of performance and accomplishment. However, as described below in part, the NCLB Act toughens greatly the previous accountability requirements. It requires state testing in grades three through eight and defines more precisely the measure of *"adequate yearly progress"* for schools and districts. It also says for the first time that the federal government will no longer subsidize unqualified teachers and paraprofessionals.

Another important element in the standards-based framework, but one in scarce supply, is the provision of expert assistance to students and schools that need significant improvement. The new Act strengthens these provisions as well.

Throughout the NCLB Act *there are constant references to requirements that program activities be based on "scientifically based research" and for "explanation[s] of why the activities are expected to improve student academic achievement."* The definition of "scientifically based research" takes one-half page and is controversial (See Appendix A for the complete definition). Clearly Congress and the Administration are serious about state and local educators using strategies and implementing activities with demonstrable evidence of success.

Finally, in various places throughout the Act, Congress has specified the program approaches and activities that it believes are most likely to result in improved academic achievement for students in low performing schools. While they are not mandates, federal officials are likely to examine state and local plans with the expectation of finding several of them in use. They include:

- Intensive professional development programs that are both cost-effective and easily accessible

- Training in how to teach and address the needs of students with different learning styles
- Well researched comprehensive school reform models supported by successful technical assistance providers
- Introduction of more rigorous, high quality curricula
- Mentoring of students by a responsible adult or student
- Mechanisms to recruit and retain highly qualified teachers including scholarships, signing bonuses, and incentives such as differential pay
- Professional development strategies that are delivered through the use of technology, peer networks, and distance learning
- Professional development through coaching
- Training on how to understand and use data and assessments to improve classroom practice and student learning
- Teacher mentoring by exemplary teachers
- Support from distinguished schools that have closed the achievement gap and exceeded adequate yearly progress requirements
- Team teaching, and reduced class schedules
- Induction programs for new teachers and principals
- Alternative routes for state certification of teachers and principals
- Reformed tenure systems
- Teacher testing for subject matter knowledge
- School leadership academies
- Merit-based pay systems
- Differential and bonus pay for teachers and principals with records of success in high-need academic areas and in high poverty schools and districts
- Teacher advancement initiatives such as becoming mentor or exemplary teachers
- Advanced placement and pre-advanced placement programs for students
- Extended learning time and programs for students before and after school, weekends, and summers
- Preschool programs

- Training of teachers and principals on how to involve parents
- School-parent compacts that outline shared responsibility for improving student achievement
- Meaningful involvement of parents and the local community in planning, implementing, and evaluating school improvement activities
- Fund consolidation and budget reallocation for schools and districts

Major Opportunities in the NCLB Act to Improve Achievement of Students in the Middle Grades

The NCLB Act provides numerous new opportunities for educators, policymakers, advocates, and parents to examine current instructional strategies and to design more effective ones. They include:

1. **Opportunity to spend wisely much more money, most of it targeted to high poverty schools.**

   The NCLB Act and the accompanying appropriations for the 2002-2003 school year provide both more money and spending flexibility. For the first time, Congress went on record noting the effects on student learning of low-income children concentrated in schools with many other low-income children and funded the Title I Targeted Grant Formula. *Urban middle schools with over 75% low income students should see even bigger increases than the overall 18% gain most schools should realize.* (As before, school districts have the option of funding no middle schools with less than 75% poverty.)

   The other big money jump for middle schools should come from the new Title II entitled Preparing, Training, and Recruiting High Quality Teachers and Principals and its Part A—Teacher and Principal Training and Recruiting Fund. This new pot of money includes all previous funds in the Class Size Reduction program, which was spent mostly in elementary schools, and the Eisenhower Professional Development Program, which was directed chiefly to math and science teacher training. Districts must target these funds to schools with the lowest proportion of highly qualified

teachers, the largest average class sizes, or those identified in need of improvement, but not just elementary schools.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Contact your district Title I Director about the potential 2002-2003 school year gain for your school or district in funds for high poverty and/or struggling middle schools.[7]
- Plan now how to use all these additional funds for high quality professional development, to recruit and retain high quality teachers (see below) and to extend student learning time.

2. Opportunity to design better Title I programs.

While local educators retain great flexibility in how they use Title I funds, the NCLB Act outlines the strategies it believes are most likely to result in student achievement gains.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Check the strategies you use now to improve student achievement against the strategies listed above, which are promoted by the NCLB Act.
- Begin planning how to substitute or incorporate those that make most sense for your school and/or district and that can be implemented well.

3. Opportunity to expand the use of comprehensive school reform models.

First funded in 1998, the Comprehensive School Reform Program provides, at a minimum, $50,000 annually for three years for whole school improvement programs that are based upon scientifically based research and effective practices that have been replicated successfully. State educational agencies must give priority to districts that commit to using the funds in schools in need of improvement and to helping schools with budget allocation, professional

development, and other strategies to properly implement and sustain the reforms. Congress added $50 million to the program for next year.

While the number of research based middle grade comprehensive school improvement models has been small, additional models will be coming on-line shortly.

IMMEDIATE OPPORTUNTIY TO PURSUE NOW

- Check out the website of the National Clearinghouse on Comprehensive School Reform at *www.goodschools.gwu.edu* and begin studying various comprehensive middle school reform models for possible use in your school or district.

4. **Opportunity to direct programs that improve learning of English language learners to those most in need.**

Under a new Title III, bilingual education and related funds will be sent to states and districts based on their numbers of second language learners and immigrant students. No longer will they be distributed by competitive grants from the federal level. Districts can decide for themselves the methods of instruction they want to use as long as they are tied to scientifically based research on teaching limited English proficient children and have been demonstrated to be effective. School officials must inform parents when their child needs special language instruction, offer them choices among programs, and allow them to remove their child from such programs.

If a state chooses not to apply or submits an unacceptable application, the Secretary of Education may make a competitive grant to "a specially qualified agency" in the state. This will no doubt be used for states that place limits on the strategies that can be used to teach English language learners. The same

[7] The U.S. Department of Education has published preliminary Title I funding information for states and districts. This information has already been widely disseminated

alternative may be used by a state when a district with English language learners does not apply for funding.

IMMEDIATE OPPORTUNTIY TO PURSUE NOW

- If your school or district has many English language learners and has not received federal bilingual education funds before, contact district or state education agency officials now about what the potential new amount of funds might be and begin planning how to use them effectively.
- Remember, there are often a higher proportion of second language learners in middle schools than elementary schools!

5. **Major new opportunity to improve the quality of teaching and professional development in high poverty and struggling middle schools.**

One of the biggest changes in the NCLB Act is the redesign of the previous Title II Eisenhower program and the Class Size Reduction program *to focus entirely on improving the quality of teaching in core content areas.* Two-thirds of the new Title II funds are distributed to states based on poverty with the remainder based on population. Districts are guaranteed the amount of funds they received under the two previous programs, but 80% of the additional funds, over $700 million, are distributed on the basis of poverty.

Districts must target their funds to schools with the lowest proportion of highly qualified teachers, largest class sizes, or those identified as in need of improvement under Title I. No specific grade span or core academic subject gets priority. With the involvement of teachers, the district must conduct an assessment of needs for professional development and hiring. It must then outline what activities, from a long list of allowable ones, it will undertake and describe how they are based on scientifically based research, explain why and how they are expected to improve student academic achievement, and how they will help eliminate the achievement gap that separates low income and minority students

from other students. They may enter into partnerships with non-profit or for-profit organizations to help them.

The NCLB Act includes a one and one-half page definition of professional development which can be supported under this law (see Appendix A of this paper). It says, among other things, that it is "high quality, sustained, intensive, and classroom-focused" and is "not 1-day or short-term workshops or conferences."[8]

Finally, Title I also strengthens the focus on professional development by requiring a funding setaside. Districts and schools identified as in need of improvement must use 10% of Title I funds on high quality professional development. The remaining Title I districts must use between 5% and 10% on such efforts. Districts must set up peer review panels to examine the plans of schools in need of improvement.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Initiate an assessment of your school and district's current professional development and hiring practices against the NCLB Act list of fundable activities and future needs.
- If in a struggling district or school, start planning how to use the likely substantial new funds for improving teacher quality and professional development.

6. **Opportunity for high poverty and minority schools to employ high quality teachers and paraprofessionals.**

The NCLB Act puts states, districts, and schools on notice to end the common practice of hiring and assigning the least qualified teachers and the weakest paraprofessionals to high poverty and minority schools. State plans must spell out

[8] A useful guide on professional development for middle grade teachers is *What Works in the Middle: Results-Based Staff Development* by the National Staff Development Council. It can be found on the web at www.nsdc.org/midbook.

affirmative steps to ensure that poor and minority students are "not taught at higher rates than other children by inexperienced, unqualified, or out-of field teachers" as well as the measures they will use to evaluate and publicly report progress with these steps. States have never made such reports before, though with regard to minority students such practices violate 1964 federal civil rights law.

Beginning with the 2002-2003 school year, all newly hired teachers in Title I schools must be highly qualified. By the end of the 2005-06 school year, states must assure that in every school all teachers in core academic subjects are highly qualified. States must establish annual measurable objectives for district gains in the percentages of teachers who are highly qualified and participating in high quality professional development. Beginning next year states and districts must report on their progress. The NCLB Act defines what a high quality middle school teacher is, stating in part that she or he "holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by" a rigorous state academic subject test or completing specific college study or credentialing in the subject.

Retroactive to January 2002, new *paraprofessionals* in Title I schools must meet higher education standards. High school diplomas alone will be insufficient. Paraprofessionals will need at least two years of postsecondary education or must pass a rigorous state or local academic assessment of their knowledge and ability to assist with instruction of reading, writing, or math or readiness for these subjects. Current paraprofessionals must meet these requirements after four years. Paraprofessionals who work as translators or with parental involvement are exempted. Acceptable assignments for Title I paraprofessionals are spelled out in legislation for the first time. (See Appendix B.) Principals must annually report in writing their school's compliance with this provision.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Set measures of and goals for teacher and paraprofessional quality.
- Start assembling data on and evaluating the quality of teachers and paraprofessionals in your school or district.
- Develop a recruiting plan for new high quality teachers.
- Research and start planning for high quality professional development.

7. Likely opportunity to get more and better help for struggling schools from districts and states.

For several years states and districts have been obligated to help Title I schools in need of improvement, but many schools have gotten little, if any, such help. The NCLB Act toughens these requirements.. States must set up systems of intensive and sustained support that use very knowledgeable school support teams and distinguished, successful educators and that give priority assistance to the lowest performing schools. Districts must also help schoolwide programs and schools in need of improvement.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Ask district or state education agency officials for help now if your school or district is likely to be identified as a school in need of improvement.
- In order to receive extra expert assistance, consider volunteering to district or state officials to be identified as a school in need of improvement, if possible, under additional measures states and districts can use, e.g. problems with grade-to-grade retention rates, attendance rates, and the percentages of students completing gifted and talented, advanced placement, and college preparatory courses.

8. **Opportunity to learn more about districts, schools, teachers and students, especially at the middle grade level.**

There will be no more secrets about student achievement by major subgroups. The many years' practice of Texas will be replicated nationwide. Beginning with the 2002-2003 school year, all states and districts must publish reports cards annually with information on each school throughout a state. Disaggregated data on student achievement in each district and school must be publicly reported by race, ethnicity, gender, disability status, migrant status, English proficiency and poverty status. *Very few states have ever reported this information for each middle grade, but they now must if they test in each grade.* (States have until 2005-2006 to begin testing in every middle grade, not just one.) States and districts may report additional information as well.

It will also be possible for progress on state tests to be compared across the country through the National Assessment of Educational Progress (NAEP) which will be administered every two years in math and reading for grades four and eight. In the future, every state must participate in NAEP.

For the first time, states will also have to report publicly on the quality of teachers. Specifically, they will have to report on the professional qualifications of teachers, the percentage of teachers on emergency or provisional credentials, and the percentage of classes not taught by highly qualified teachers, disaggregated by schools in the lowest and highest quartiles of poverty. Both states and districts must also begin next year to report their progress in meeting measurable objectives to improve the percentage of high quality teachers and the percentage of teachers receiving high quality professional development.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Volunteer to district and state education agency officials to help design district and state report cards.

9. **Opportunity for parents to receive specific information about the quality of their children's teachers and for parents and teachers to receive individual student reports.**

   Beginning with the 2002-2003 school year, Title I schools must inform parents about their child's level of achievement on state tests in interpretive, descriptive, and diagnostic reports. They also must give timely notice to parents if their child has been assigned or taught for four or more consecutive weeks by a teacher who is not highly qualified.

   The district must notify parents that they may also request information about whether their child's classroom teachers have met state licensure standards or have emergency or provisional certification, the baccalaureate degree major and field of discipline of their graduate degree or certification, and whether their child receives services from, and if so the qualifications of, paraprofessionals.

10. **Opportunity beginning next fall for parents of students in low performing schools to choose more and alternative learning options for their children.**

    If students attend a Title I school identified as in need of improvement, the district must offer their parents the option of sending their students to another school in the district that has not been identified for school improvement. The district must pay the transportation costs. If the whole district has been identified by the state as in need of improvement, the state may authorize parents to choose better schools in neighboring districts.

    For students in schools identified as in need of improvement that continue not to improve for three years (including years prior to enactment of the NCLB Act), the district must offer supplemental services. Such services include tutoring and other academic enrichment services. Districts must annually notify parents and describe for them a list of providers approved by the state with a demonstrated record of effectiveness. The providers must give parents and districts information on the progress of each student they serve.

If schools have already been identified as in need of improvement, districts must offer parents these choices next school year.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Start investigating and assembling a list of high quality providers of supplemental services.

11. Opportunity for schools to be recognized for success.

Each state must set up a program of academic achievement awards for Title I schools that have closed achievement gaps or exceeded adequate yearly progress requirements for two or more consecutive years. Those schools making the greatest gains may serve as models and provide support to other schools. The state may also provide financial rewards to teachers in these schools with funds under Titles I or II.

12. Opportunity to expand extended learning programs

In 1998, Congress enacted the 21st Century Learning Communities Program to support extended learning programs before and after school and during weekends and summers. With an initial investment of $40 million it will grow to $1 billion next year and be distributed by the Title I formula to states for administration.

States will operate a competitive grant program for local districts and community based applicants. They may choose to require local matching funds. Programs that receive funding must serve students, or their families, who primarily attend high poverty schools. Grants may be for three to five years, may support a wide variety of activities to improve academic performance, and must meet principles of effectiveness--be based on objective data, performance measures, and scientifically based research--set out in the NCLB Act.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- If your school has a 21st Century Learning Community Center grant, check with your district or state whether it can be extended for an additional two years.
- Prepare a 21st Century Community Learning Center proposal now if you presently do not have a grant.
- Urge your state and district to give priority to middle school programs.

13. Greater opportunity to improve the use of technology in high poverty schools

The NCLB Act combines several previous federal technology programs into a new, state-administered Title II Part D called Enhancing Education through Technology. Funds are distributed to states according to the Title I formula and states must in turn distribute 50% of them to districts based on the Tile I formula. The other 50% are awarded on a competitive basis. Generally the funds must be used to increase academic achievement; increase access to technology, especially for high-need schools; and improve teacher professional development in technology. Districts must expend at least 25% of these funds for sustained and intensive high quality professional development on the uses of technology unless it can demonstrate it already provides it.

14. Opportunity to establish charter schools.

The NCLB Act continues the federal effort to expand the number of high quality charter schools with a relatively modest increase of $10 million to the program.

15. New opportunity to strengthen rural education.

The NCLB Act establishes a new Rural Education Achievement Program (REAP) and Congress appropriated $162.5 million to support it. REAP allows very small, rural school districts the opportunity to combine small pots of federal funds to

support school improvement. They can choose among programs and activities allowed under Titles I, II, III, and IV of the Act.

16. Opportunity to fund the teaching of American history in partnership with community institutions.

Ignored in most summaries of the NCLB Act is another new, relatively well funded program under Title II, the Teaching American History Grant Program funded at $100 million. This new, competitive grant program is designed to promote the teaching of traditional American history as a separate subject, not as a component of social studies. Grants are made by the Secretary of Education directly to local school districts. Funds may support professional development and teacher education activities. These activities must be carried out in partnership with a college or university, nonprofit history or humanities organization, or library or museum.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- If your school or district has as a priority the strengthening of its history curriculum, inquire about proposal procedures from the U.S. Department of Education and start planning and developing a proposal.

17. More opportunity for program flexibility and fund consolidation.

The NCLB Act provides much greater flexibility in the use of funds for state and local activities than previous laws. States may transfer up to 50% of the funds they receive for state level activities among Titles II (Teachers and Technology), and IV (Safe and Drug Free Schools and 21st Century Learning Community Learning Centers), and Title V Part A (Innovative Programs Block Grant).

Districts in good standing with their states may transfer, without state approval, up to 50% of their funds among all the same programs listed above except for the 21st Century Community Learning Centers Program, which is a competitive grant

program below the state level. Districts identified in need of improvement may only transfer up to 30% of these funds and those in a corrective action agreement with their state may not transfer any funds.

States and districts may not transfer funds out of Title I, only into it.

Up to 150 districts making adequate yearly progress in student achievement may also enter into performance agreements with the Secretary of Education to consolidate non-Title I programs and be relieved of all program requirements. The districts must use these funds to meet the general purposes of the NCLB Act. They must also continue to meet Title I and state accountability requirements.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Establish a few very strategic priorities to improve student achievement in your school or district.
- First determine funding available from non-federal fund sources.
- Then consider how best to use federal funds and avail yourselves of this new flexibility, if appropriate.

18. Opportunity to use federal funds through partnerships to free up teachers' time to improve their skills.

Finally, but certainly not last in importance, taken together the many opportunities of the NCLB Act discussed above may offer *opportunities to provide more time for teachers to focus on strengthening their teaching skills and capacity*. Working in community partnerships--such as those funded under the 21st Century Learning Community Program, the Teaching American History Grant Program, and other allowable activities subject only to local creativity--may provide significant learning opportunities for students outside their regular classrooms. While their students are away, teachers are then able to engage in more professional development and peer planning and learning.

IMMEDIATE OPPORTUNITY TO PURSUE NOW

- Identify learning opportunities in the community and establish new partnerships to pursue them.
- Start planning now how to capture more time for teacher and principal professional development and common planning time.

Accountability for Middle School Student Achievement

As widely reported, the *No Child Left Behind Act* (NCLB Act) relies heavily on stronger accountability requirements to stimulate greater efforts by educators to improve achievement of students historically ill served in the nation's public schools. Though unstated, *the Act seems to employ a strategy of leveraging improvement as much through public engagement as through federal conditions on schools, teachers, and principals for the receipt of continuing funding and employment.* By requiring regular, widely, disseminated, user friendly information on the performance of taxpayer supported schools and districts, it seems to invite public demands for improvement. It will take a few years to determine whether these strategies will be successful.

Many of the school and district level accountability provisions of the NCLB Act, especially the public reporting rules, were discussed above as opportunities to improve teaching and learning. Below, the *major statewide requirements* are set out with regard to testing, the system of accountability including interventions with low performing schools and districts, and planning.

1. **In most places, big changes are coming in state testing for elementary and middle schools.**

   The provisions of the NCLB Act will require a more uniform pattern of state testing than has ever been seen in the United States. By school year 2005-2006, all states taking NCLB Act funds *must assess reading/language arts and math every year in every school from third through eighth grade.* In school year 2007-

2008, they must add annual science assessments in at least one upper elementary, middle, and high school grade. They must also add one additional academic indicator—graduation rates for high school and a discretionary one for elementary and middle schools.

While states may design their own tests, they must be aligned with state academic standards and be comparable from year to year. They must include measures that assess higher-order thinking skills and understanding. The tests must be valid and reliable. States must report scores in terms of proficiency against state standards, not percentiles. As noted above, states must make regular public reports about the results, disaggregated by student subgroups.

At least 95% of each student subgroup must take these tests. Reasonable accommodations must be made for disabled and second language learners. For the latter group, until they reach English proficiency (but for no more than five years) they must be tested in reading/language arts and math, if practicable, in their native language. Beginning next year, second language learners must also be tested annually on their English proficiency.

2. **Even bigger changes are coming in state accountability systems.**

A major change in the NCLB Act from the previous law is that states must establish one accountability system for all schools, not just those receiving Title I funds. States with two systems--one for Title I schools and another for other schools, mostly middle and high schools--will have to merge them.

Adequate yearly progress requirements for schools and districts have been tightened significantly. Each state must now define what proficiency is on their state tests for each grade level. They must establish a starting point to measure schools and then raise the bar in equal increments for 12 years until all students are performing at the proficient level in 12 years--by 2014. A determination of making adequate yearly progress for a state, district, or school must be made for

each disaggregated student subgroup, not all students as a whole. The adequacy standard is not met if just one subgroup fails to meet it.

There are consequences for schools and districts if sufficient student achievement progress is not made. The NCLB Act spells out specific requirements for school improvement and corrective action in schools and districts receiving Title I as well as requiring establishment of a recognition program for Title I schools that make good progress. States must develop their own system of rewards and sanctions for non- Title I schools and districts. States themselves are sanctioned with administrative fund loss if they do not conform to the requirements of the NCLB Act.

Besides the school transfer and supplemental service opportunities for students in low performing Title I schools discussed above, corrective actions for schools and districts cover a wide range depending on the number of years of inadequate performance. They include withholding funds, instituting new curricula and professional development, replacing personnel, altering governance, changing top leadership, appointing outside experts, extending the school day, and abolishing or restructuring schools and districts.

3. State and local plans will be more important than ever.

Under the NCLB Act, states and districts must describe in detail the variety of requirements discussed throughout this paper. The Secretary will appoint peer review panels to consider state plans and advise him or her on their acceptability. The Secretary may disapprove a state plan after first offering technical assistance to improve it and following other due process procedures.

APPENDIX A

Key definitions from the *No Child Left Behind Act of 2001.*

SCIENTIFICALLY BASED RESEARCH- The term scientifically based research' —

(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

(B) includes research that —

(i) employs systematic, empirical methods that draw on observation or experiment;

(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn.

(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings, and

(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

PROFESSIONAL DEVELOPMENT- The term professional development' —

(A) includes activities that —

(i) improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

(iv) improve classroom management skills;

(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom; and

(II) are not 1-day or short-term workshops or conferences,

(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification,

(vii) advance teacher understanding of effective instructional strategies that are —

(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

(viii) are aligned with and directly related to —

(I) State academic content standards, student academic achievement standards, and assessments, and

(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B),

(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act,

(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments,

(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

(xiii) provide instruction in methods of teaching children with special needs;

(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

(B) may include activities that —

(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

HIGHLY QUALIFIED- The term highly qualified' —

(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that —

(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State's public charter school law; and

(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

(B) when used with respect to —

(i) an elementary school teacher who is new to the profession, means that the teacher —

(I) holds at least a bachelor's degree; and

(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor's degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by —

(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor's degree and —

(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that —

(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills,

(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

(III) provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

(VI) is made available to the public upon request, and

(VII) may involve multiple, objective measures of teacher competency.

EXEMPLARY TEACHER- The term exemplary teacher' means a teacher who

(A) is a highly qualified teacher such as a master teacher,

(B) has been teaching for at least 5 years in a public or private school or institution of higher education,

(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;

(D) is currently teaching and based in a public school, and

(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

TEACHER MENTORING- The term teacher mentoring' means activities that —

(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that —

(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and part of an ongoing developmental induction process —

(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education, and

(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

(B) may include the establishment of a partnership by a local educational agency with an institution of higher education, another local educational agency, a teacher organization, or another organization.

APPENDIX B

Allowable Responsibilities of Paraprofessionals Under the *No Child Left Behind Act of 2001*

Title I, Section 1119, (g) DUTIES OF PARAPROFESSIONALS-

(1) IN GENERAL- Each local educational agency receiving assistance under this part shall ensure that a paraprofessional working in a program supported with funds under this part is not assigned a duty inconsistent with this subsection.

(2) RESPONSIBILITIES PARAPROFESSIONALS MAY BE ASSIGNED- A paraprofessional described in paragraph (1) may be assigned —

(A) to provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher;

(B) to assist with classroom management, such as organizing instructional and other materials;

(C) to provide assistance in a computer laboratory;

(D) to conduct parental involvement activities;

(E) to provide support in a library or media center;

(F) to act as a translator; or

(G) to provide instructional services to students in accordance with paragraph (3)

(3) ADDITIONAL LIMITATIONS- A paraprofessional described in paragraph (1) —

(A) may not provide any instructional service to a student unless the paraprofessional is working under the direct supervision of a teacher consistent with section 1119; and

(B) may assume limited duties that are assigned to similar personnel who are not working in a program supported with funds under this part, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school